



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA

MEMORANDUM



**Date:** March 21, 2011  
**To:** Thomas W. Bonfield, Durham City Manager  
**Through:** Keith Chadwell, Deputy City Manager  
**From:** Steven L. Medlin, AICP, City-County Planning Director  
**Subject:** Amendment to the Unified Development Ordinance – Riparian Buffers  
Technical Revision (TC1000007)

**Summary.** The City and County of Durham recently adopted a text amendment regarding Riparian Buffers (TC0900008). Staff has since identified two unintended consequences of that text amendment and wishes to correct them as quickly as possible. One relates to a required approval process and the other to road impacts in buffers. In addition, during the approval process for TC0900008 the City and County adopted slightly different versions of the buffer signage standards. Staff recommends amending the City version so that the UDO is consistent between the two jurisdictions. The proposed technical changes are shown in Attachments A and B.

**Recommendations.** Staff recommends approval. The Planning Commission recommended approval on a vote of 11-0 at its February 8, 2011 meeting.

**Background.** The City and County of Durham recently adopted a text amendment regarding Riparian Buffers (TC0900008). Staff has since identified an unintended consequence in paragraphs 3.7.1B.3.a(4) and 8.5.10F.3. The current language would require any development that proposes locating non-electric utilities in the riparian buffer to go through the Major Site Plan process, which requires review by the appropriate governing body. Staff estimates that a large percentage of site plans would become Major Site Plans due to this requirement. In addition, an item in the use table (paragraph 8.5.10G) prohibiting road impacts in riparian buffers needs to be changed. Complete prohibition of road impacts other than crossings is impractical, and the applicable State rules designate this activity as allowable with mitigation. Therefore, staff recommends that this designation be changed to be congruent with State requirements.

During the approval process for TC0900008, the City and County adopted slightly different standards for the required size of signs placed along buffer boundaries to provide notice of the buffers. This difference is located in paragraph 8.5.4D.2.d, where the words “at least” occur in the City version, but not in the County version. Staff recommends removing those words from the City version so that the UDO is consistent between both jurisdictions in this regard.

**Alternatives.** The City Council may choose to modify or not adopt any or all of the proposed technical changes.

**Staff Contacts.**

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**Attachments**

Attachment A, An Ordinance to Amend Minor Technical Provisions of the Unified  
Development Ordinance Regulating Riparian Buffers, Mark-Up Copy

Attachment B, An Ordinance to Amend Minor Technical Provisions of the Unified  
Development Ordinance Regulating Riparian Buffers, Clean Copy

Attachment C, Durham City-County Planning Commission Written Comments

Cc: Robert N. Joyner, Jr., PE, Assistant Engineering and Stormwater Services  
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